Remarks

The present amendment is in response to the Office Action mailed in the above-referenced case on December 19, 2000. Claims 1-37 are presented for Examination. In the action the Examiner rejected claims 1-9, 11, 13, 15 and 18-20 under 35 U.S.C. 103(a) as being anticipated by Meske et al. (US No. 5,530,852) hereinafter Meske, in view of Rogers et al. (US 5,701,451) hereinafter Rogers. Claims 10, 12, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meske, and Rogers, and further in view of Judson (US 5,572,643) hereinafter Judson. Claims 21-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meske, Rogers, and further in view of Gleeson (US 5,627,829) hereinafter Gleeson.

In response applicant herein provides clear arguments to more clearly point out the patentability of the claims, and to elucidate how the claims distinguish unarguably over the prior art provided by the Examiner. Applicant believes that the prior art references provided by the Examiner are not correctly understood and interpreted by the Examiner, and do not read on applicant's claimed invention.

Applicant respectfully points out to the Examiner that the references of Meske and Rogers were used to reject claims 1-9, 11, 13, 15 and 18-20 in the last Office Action accorded paper No. 10. The Examiner has provided the same references and the exact same rejections with the exact same reasoning for those rejections (word for word) in the present Office Action without responding to applicant's arguments made in the last response.

It is clear to the applicant that the Examiner has merely duplicated the previous office action of this case. Applicant is disappointed in the Examiner's apparent lack of consideration of applicant's arguments in the previous response. Applicant has made a considerable effort, including

monetarily, to prosecute this case. Applicant does not believe the Examiner has invested the time and effort this case affords according to his rejections and remarks. It is obvious to the applicant that the Examiner has not given this case the attention it deserves. Applicant respectfully requests the Examiner use due diligence in considering this and any future actions of the instant application, and please respond to applicant's arguments, provide new art, or give new reasoning for the rejection.

Applicant herein reproduces the arguments provided in the last Amendment regarding Rogers, and respectfully requests the Examiner consider them in the examination process.

Claim 1 is rejected under 103 (a) as being anticipated by Meske in view of Rogers. The Examiner admits that Meske does not specifically disclose creating a listing of parameters derived from one or more of hardware or software characteristics of the client device, characteristics of a WEB page, and preferences of a customer using the client's device.

The Examiner relies on the art of Rogers to disclose creating a listing of parameters (i.e., Web server processing client's data according to client's parameters, see abstract, Fig. 1, col. 4 lines 40-60, col. 6 line 57 to col. 7 line 41, col. 9 line 56 to col. 10 line 11) derived from one or more of hardware or software characteristics of the client device, characteristics of a WEB page, and preferences of a customer using the clients' device (data according to the database servers 18, see col. 9 line 56 to col. 10 line 36).

Applicant respectfully traverses the Examiner's statement that Rogers creates a listing of parameters for downloading data derived from one or more of hardware or software characteristics of the client device, characteristics of a WEB page, and preferences of a customer using the clients' device.

Rogers clearly teaches inbound and outbound parameters concerning

file types, report generation and presentation preferences for the collected data to be presented to the user or client. Rogers teaches a preferred embodiment having a link between a Hypertext Markup Language (HTML) document using a common gateway interface, and open data interpretation system server (ODAS). As a result, Web clients can request DIS reports to be generated, specify the parameters to be used in generating the reports, and then view the report results on a Web home page (col. 5 lines 19-21).

Rogers teaches in step 125 the control program tests for the kind of report to be created by obtaining information from stored variables and identifies output parameters, such as whether the report is to be a text report, or a graphical report. At this point the control program branches to the sequence applicable to the kind of report to be created. If the output is to be routed the Web server 10, then the output is routed to the Web server in step 126 (col. 14 lines 57-60).

Rogers teaches in FIG. 9 that the capsule, represented by a series of linked objects, is supported by Internetwork processor support environment means 90. Within this environment an integrated capsule creates a text report file as a result of the object 95, make text. This object result file is the file 43 according to FIG. 3 which is displayed at the browser. In the illustrated example, the multiple DIS capsule data retrieval command file 91(a) . . . 91(n) initiates as a first step multiple queries to different databases which are specified by the parameters of the request (col. 17, lines 4-6).

Rogers teaches input parameters contain path environment data from the HTML document that referred to said control program agent (col 20, claim 2).

Rogers teaches a method of fulfilling requests according to his claim 1 wherein the input parameters include data entered by said user including variables identifying the type of file to create as a report to be created as a

result of said web request and user identified applicable output parameters as to where a result is to be directed, and said steps further comprise: testing with said control program agent for the type of report file to be created by obtaining information from stored variables and said testing further identifies said user identified applicable output parameters, and branching to the sequence applicable to the type of report file to be created (col. 22 claim 21).

Applicant clearly shows through the reproductions above, of the art and teaching of Rogers, that the parameters as described and taught in Rogers clearly fail to teach applicant's limitations of claim 1 wherein a listing of parameters are created derived from one or more of hardware and software characteristics of the client device. Rogers teaches input and output parameters specified by a client when requesting data, as to where to collect the data, and how to format the reports presented to the user, nothing more.

Applicant has read the portions of Rogers pointed out by the Examiner, along with the remainder of Rogers' specification, and does not see any support in the applied art for creating a listing of parameters derived from one or more of hardware and software characteristics of the client device as recited in applicant's claim 1.

Applicant finds it continually frustrating while dealing with Office Actions when the Examiner in the case uses the specific language of applicant's claim when stating what a reference teaches, although when the specific portion of the reference is studied by the applicant the disclosure teaches something significantly different. This seems to be a common and misleading practice in the Office, and should be discontinued. So many Examiner's use this procedure that it must be taught or encouraged by the Office. The reference teaches what the reference teaches, and should be presented exactly as such. An argument may then be fairly made as to

whether (or not) the reference's teaching reads on applicant's claimed limitations.

In applicant's invention, as previously argued, the WEB server first processes data requested to be transmitted to a specific client's device according to pre-stored characteristics of the specific user's device, or according to characteristics transmitted by the user's device. For example, a user's device could be a hand-held computer, or devices like WEB TV systems, Set-Top boxes, and the like. These types of devices may have varying CPU capacities, data transmission speeds, and operate with different software applications. In some instances only multi-media extensions supported by the user's device are used, and data is preferably combined into one file for each transfer. In this manner, each communication with each user's device is done in a fast and efficient manner, tailored to the needs of each user, and the user can then function with a minimum hardware/software device that may be energy efficient providing long life between battery charges. Because the server is capable of storing characteristics of the client device (profiles) at the server, the server is capable of converting data to be specifically tailored according to characteristics, or profiles, of the client's device, and then communicates the data to the client's device. **In this manner, for example, a client using a hand held computing device, having a smaller computing capacity than a standard PC, can download WEB pages and other data from a server that would otherwise be impossible.**

As argued above the parameters and profiles of Rogers are not a listing of parameters derived from one or more of hardware and software characteristics of the client device, as clearly recited in applicant's claim1.

Applicant believes claim 1 is patentable as extensively argued above. Claim 2 is patentable at least as depended from a patentable claim.

Claim 3 is rejected by the Examiner using the same reasoning as set forth in claims 1 and 2. Claim 3 recites a software template for translating WEB data to a reduced-data form to be transmitted from a WEB server to a client's device **based on one or more of hardware and software characteristics of the client device.**

As argued above on behalf of claim 1, Rogers clearly fails to disclose transmitting data to a client based on characteristics of the client device. The parameters of Rogers cannot read on the parameters of hardware and software devices at the client as claimed in applicant's invention. The WEB server in applicant's invention may have to reformat the transmission of data, via a template, when transmitting to the client to accommodate specific characteristics of the hardware and software capabilities of the client's device. Applicant believes claim 3 is patentable over the art of Rogers. Claims 4-5 are patentable on their own merits or at least as depended from a patentable claim.

Claim 6 is rejected by the Examiner using the same reasoning presented for claim 1 above. As argued by the applicant on behalf of claim 1 Rogers does not teach using templates listing parameters derived from one or more of hardware and software characteristics of a client device, as taught in applicant's claimed invention. Therefore applicant believes claim 6 is also patentable over the art of Rogers. Claims 7-8 are patentable at least as depended from a patentable claim.

Claim 9 is rejected using the same reasoning provided for claim 1. Claim 9 also recites the transmission of data from the WEB server to the client's device being dependent on the one or more of hardware and software characteristics of the client's device. Further, applicant argues that the Examiner's reasoning that using Mark-Script in a Network computer is well known in the art does not suffice. Applicant challenges the Examiner

to provide prior art teaching of using Mark-Script in the same environment and application as disclosed and claimed by the Examiner, providing a reasonable statement of suggestion or motivation.

There are products in the art that provide for setting up a sequence for accessing WEB pages. In these products a sequence of URLs is entered, and the computer then accesses the WEB pages in order and catalogues the results, as in the art of Meske. This is different than the system of the present invention. In the present invention a list of WEB page destinations is stored either at a client device or at an enabled WEB server. The system comprises not just the list of destinations, but executable control routines for implementing the accessing of the listed destinations and controlling interaction between a server and the client. The inventor terms the combination a Mark-Script, which is a cross between a list of bookmarks and a script.

In applicant's invention a Mark-Script for use by a WEB server hosting a customer operating a client device is provided. The Mark-Script comprises a list of Web pages to be accessed on behalf of the client; and control routines adapted for accessing the WEB pages one-after-another and storing the contents at the WEB server for transmission on demand to the client device.

As an example of a Mark-Script and execution according to an embodiment of the present invention, a client uploads a sequence of URLs to a WEB Server adapted for reduced-content data sharing according to the present invention. The client may then provide an initiation signal identifying the Mark-Script, and the server will access the first destination of the Mark-Script, translate the content according to the user's template, including the hardware and/or software characteristics of the client's device, and transmit the result to the client device. While the user is viewing the first result, the

Mark-Script accesses the second destination, performs the translation, and queues the data for transmission to the user after the user is finished with the data from the first destination.

Meske simply does not teach this kind of sophisticated control in the downloading of desired articles. Converting HTML files to SGML files as taught in the art of Meske simply doesn't suffice. Rogers also fails to teach transmission of data based on the detailed characteristics of the client's device as argued above. Applicant believes claim 9 is patentable over the art of Meske. Claim 10 is also patentable at least as depended from a patentable claim.

Claim 11 is rejected by the Examiner using the same reasoning provided on behalf of claim 9, which stems back to claim 1. The Examiner also states that Meske teaches the step of accessing the WEB server by the client device and initiating execution of the Mark-Script (i.e. HTML files to SGML files). As seen in columns 9 and 10 of Meske advanced control routines are not available in the transmission of files to the client as taught in applicant's invention.

Applicant believes claim 11 is patentable over the art of Meske. Claim 12 is also patentable at least as depended from a patentable claim.

The Examiner has rejected claim 13 using the same reasoning set forth on behalf of claims 1 and 11. Claim 13 includes the recitation of transmitting data according to the one or more of hardware and software characteristics of the client's device. Applicant believes claim 13 is patentable over the art of Meske and Rogers as argued on behalf of claim 1 and 11 above. Claims 14-17 are also patentable at least as depended from a patentable claim.

The Examiner rejects claim 18 under 103(a) as being unpatentable over Meske in view of Rogers. There are many existing devices, and more

devices being developed, that may communicate locally with a computer which may in turn communicate with remote data sources over networks like the Internet. A device adapted to communicate with computers locally, acting as a computer peripheral device, for example, may benefit a client indirectly, with the host device accessing the Internet or other WAN, downloading data specifically reduced in data content according to characteristics of the peripheral device, and then communicating the data to the peripheral device.

Meske does not teach the downloading or transmission of data to a peripheral device other that the WEB server 150 and the host computer 100. Further, Meske is not capable of transmitting data to any type of client device based on one or more of hardware and software characteristics as argued above. Rogers also fails to teach this limitation.

Applicant believes claim 18 is clearly patentable over the art of Meske and Rogers. Claim 19 is also patentable at least as depended from a patentable claim.

Claim 20 is rejected by the Examiner using the same reasoning provided on behalf of claims 1 and 19. The Examiner further states that Meske teaches a source side template adapted for converting data requested by the WEB server to an Hyper Text Markup Protocol (HTML) before transmission to the WEB server. Claim 20 recites that the client-side template reduces the data for transmission according to the hardware and or software characteristics supplied by the client device before transmission.

Meske's SGML/HTML parser/converter process **400**, implemented in PERL script communicates with the server via CGI 220. The HTML versions of articles stored in the SGML mail message, sent to the server by the news source, are searched for the presence of specified search terms using the SGML/HTML parser/converter. The HTML results of these specified search requests can then be displayed on a client's console.

Meske does not teach wherein the transmission of data is according to characteristics of the client device, being provided by the client device. Meske's basic system of converting SGML to HTML and sending data to a client simply does not read on client's claim 20. There is absolutely no ability taught in the art of Meske or Rogers to acquire hardware and/or software characteristics from a client's device and transmit data accordingly. Claim 20 is patentable as amended as argued above and on behalf of claim 1.

Claim 21 is rejected under 103(a) as being unpatentable over Meske and Rogers, and further in view of Gleeson. Again, the Examiner has re-produced, word for word, the rejections and statements provided on behalf of the last Office Action, without responding to the arguments provided by the applicant. Applicant again, reproduces the arguments and respectfully request the Examiner investigate applicant's arguments and respond.

Claim 21 encompasses the patentable limitations previously argued on behalf of the independent claims above, and a limitation that the transposing involves creating a second set of files fewer from a first set.

As argued extensively above, nowhere in the art of Rogers is the teaching or suggestion of determining one or more of hardware and software characteristics of the client, transposing data as a result of the determination, without further negotiation with the client.

Meske simply does not teach a WEB server having server control routines, wherein upon a request to download by a client, determines one or both of hardware or software characteristics of the client, transposes data, without further negotiation with the client, and transmits the transposed data to the client in a form specifically adapted to the characteristics of the client, and as a set of fewer files than a first set.

The Examiner states that Gleeson discloses a first set of files being

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transposed into a set of files fewer in number than the first set of files (i.e. compressing and decompressing data) by reducing the size of data packet (see abstract, Fig. 12A, 12B and col. 5 line 63 to col. 6 line 56). The Examiner states it would have been obvious to modify Meske with Gleeson's teaching because it would have reduced the number of size and data packets transferred over the wireless network.

Applicant argues that Gleeson's figures 12A and 12B show packets and compression ID's inserted according to the invention. The packet layer of transmission system disclosed in the art of Gleeson is below the file layer recited in claim 21, which is well known in the art, in the ISO standard of network, and also described by Gleeson in Fig. 2, and col. 5, line 63 – col. 6, line 56. Gleeson teaches that a file is broken up into packets for transmission. How can there be a reduction of files, when Gleeson applies to a layer one (or two or three in classic 7 layer model) layers below files or applications? In fact, applicant's invention clearly says that "normal compression" can also be applied, but is not a part of the claim in question. Gleeson merely makes reference to the physical characteristics of the network.

Applicant believes claim 21 is patentable over the art provided by the Examiner. Depended claims 22-26 are patentable on their own merits or at least as depended from a patentable claim. Applicant herein also points out regarding claim 25 that Meske does not teach transposing HTML. This feature is not disclosed in col. 4, lines 14-51 or anywhere else. Figure 4 of Meske, in fact, clearly shows that he converts e-mail etc. into HTML, he does not teach transposing HTML.

Claim 27 is rejected using the same reasoning provided by the Examiner on behalf of claims 21-26 respectively. Claim 27 recites a server in a client-server system having control routines for establishing one or

more of hardware and software characteristics of the client's device. As argued previously in this case, Meske and Rogers do not teach the ability to transpose and transmit data to a client based on the specific characteristics of the client's device, or reducing the number of files.

Applicant believes claim 27 is patentable over the art provided by the Examiner as argued above. Claims 28-32 are patentable on their own merits or at least as depended from a patentable claim.

Claim 33 is applicant's method claim corresponding to claim 27, and is patentable using the same reasoning provided by the applicant on behalf of claims 21 and 27. Claims 34-37 are patentable on their own merits or at least as depended from a patentable claim.

Applicant believes the claims as they stand presented for examination are patentable to applicant over the references cited and applied, and therefore requests reexamination, with diligent effort including a response to presented arguments, and that the case be passed quickly to issue.

If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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